

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEBRA L. MILLER,

Plaintiff,

Case No. 1:07cv1112

v.

Hon. Robert J. Jonker

COMMISSIONER OF SOCIAL SECURITY,

Defendants.

ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on October 30, 2008. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed October 30, 2008, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that the Commissioner's decision is **REVERSED and REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Commissioner shall determine the alleged disability onset date, determine the date on which plaintiff ceased to be engaged in SGA, and re-evaluate both plaintiff's statements regarding the intensity, persistence and limiting effects of her symptoms and her treating physicians' opinions regarding her ability to perform work related activities. If the Commissioner determines that plaintiff has additional limitations that affect her RFC, then he should re-evaluate plaintiff's disability claim at steps three, four and five.

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

Dated: November 24, 2008